



CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minute summary of the special meeting of the City Council of Sierra Vista held on the 17th day of December 2015. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 14th day of January 2016

SEAL

Maria G. Marsh
Deputy City Clerk

Jill Adams
City Clerk

Sierra Vista City Council
Meeting Minutes
December 17, 2015

Mayor Mueller called the December 17, 2015 City Council Special Meeting to order at 3:00 p.m., City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, AZ

Roll Call

Mayor Rick Mueller – present
Mayor Pro Tem Bob Blanchard – absent
Council Member Alesia Ash – present
Council Member Gwen Calhoun – present
Council Member Rachel Gray – present
Council Member Hank Huisking – present
Council Member Craig Mount – present

Others Present:

Chuck Potucek, City Manager
Mary Jacobs, Assistant City Manager
Adam Thrasher, Police Chief
Ron York, Fire Chief
Sharon Flissar, Public Works Director
Matt McLachlan, Community Development Director
Mike Cline, Code Enforcement Officer
Tina Moore, Planner
Pam Weir, Management Analyst
Victoria Yarbrough, Library and Leisure Services Director
Jill Adams, City Clerk
Nathan Williams, City Attorney

Item 1 Acceptance of the Agenda

Council Member Mount moved that the agenda for the Special City Council Meeting of December 17, 2015, be approved. Council Member Gray seconded the motion. The motion carried unanimously, 6/0.

Item 2 Ordinance 2015 – 009, Amendments to Code of Ordinances Related to Building and Property Maintenance

Council Member Gray moved that Ordinance 2015 – 009, Amendments to Code of Ordinances Related to Building and Property Maintenance, be approved. Council Member Huisking seconded the motion.

Mr. McLachlan explained that this is the final step in the adoption process, which started with two work sessions involving the Planning and Zoning Commission, a City Council work session/presentation held in October and a public hearing last month. As stated in the memo, the overarching purpose of the amendments is to clarify existing building property maintenance code standards and consolidate related and overlapping provisions under one title and chapter in the City Code and make them more accessible to the public.

The City has adopted by reference the International Property Maintenance Code under Chapter 150 and additional property maintenance standards under Chapter 91. The Ordinance proposes to integrate the separate code standards into a single set of property maintenance and nuisance abatement regulations under Title 15, which relates to land usage.

The second thing being addressed is the City's noise regulations which are covered in different sections of the City Code as well as the Development Code. The City has enacted a decibel base standard and a reasonable person standard for enforcing loud and ruckus noise complaints. Staff is recommending that the City's noise regulations be consolidated and covered under Chapter 93, which specifically relates to noise adopting the decibel base standard as currently enacted.

Third, the City Code has a standalone chapter on junk vehicles and staff is recommending that this issue be treated as a public nuisance under the property maintenance code and covered under revised definition of inoperable vehicle.

Fourth, staff is proposing to amend Chapter 150 to reference the adoption of the building, plumbing, electrical, fuel, gas, energy, swimming pool and spa codes that were passed and adopted under Ordinance 2015-005. It also adopts the Maricopa Association of Government Specifications in detail for Public Works' construction as being the uniformed specifications of the City that are currently in practice.

Fifth, Chapter 152 is amended to adopt the 2015 edition of the International Fire Code to be consistent with Ordinance 2015-005 as amended by Resolution 2015-048.

Finally, the Ordinance establishes a new chapter under Title 15 providing for a Foreclosure Registry System modeled after Bullhead City, Arizona. The purpose is to establish a point of contact with the mortgage lender for quicker more direct communication to get the properties under a regular maintenance schedule.

On the subject of enforcement, public nuisance violations as defined under Chapter 150 are deemed a Class One Misdemeanor. If it is the first or second violation, within a two year period, the City retains discretion on whether to enforce the code through civil or criminal procedures depending on the severity of the violation.

There are also a number of enforcement options depending on the nature of the case; voluntary compliance of course is always the preferred route that is strongly encouraged. The City or the court can enter into a Consent Order with the party, which enforces the contract. There is abatement by administrative procedure which would be used for cases like overgrowth and an emergency abatement for violations that pose a public safety threat.

To-date the City has received one public comment from Larry Hicks regarding the City's interpretation enforcement of code provisions related to maintenance responsibility of the public rights of way. The currently adopted code requires any resident, occupant or owner of record to maintain right of way including alleys in the condition free from trash, debris and vegetative overgrowth exceeding 12 inches in height. The City Code implements the pertinent Arizona Revised Statute which provides that the governing body of a city or town by ordinance shall compel the owner, lessee or occupant of the property to remove from the property and its contiguous sidewalks, streets and alleys any rubbish, trash, weeds or other accumulation of filth, debris or dilapidated buildings that constitute a hazard to public health and safety.

The proposed standards simply seek to further delineate maintenance responsibilities in accordance with current practice, which is the City maintaining right of way conditions along arterial and collector roads and adjoining residences and property owners caring for the lesser travelled local streets and alleys. The vast majority of the residents are already maintaining their segment of right of way within residential neighborhoods. The problem areas tend to be blighted with unimproved alleyways behind fences. Public Works historically has done one pass down the center line of these alleys once per year; however, this does not relieve the property owner of their ultimate maintenance responsibility under the current and proposed code standards.

Council Member Huisking made the comment that this is a good way to clear things up because it is not true that the City takes care of the alleys. The City does pass through the middle and it is up to the property owners on either side of that pass through to take care of all of the weeds and debris that is outside their wall. Mr. McLachlan added that is the case under the current and proposed code standard. Staff is simply trying to clarify the language.

Council Member Huisking stated that it just needs to be made clear on a regular basis as she knows that everyone can go and look it up; but it is nice to have it in her head so that when somebody says to her that they don't have to do it because the City does it and asks when is the City going to clean the alley, she can remind them that the City does pass through it but they don't clean everything up. They have to do their part and she appreciates that.

The motion carried unanimously, 6/0.

Adjournment


Mayor Mueller adjourned the December 17, 2015 meeting of the Sierra Vista City Council at 3:07 p.m.



Mayor Frederick W. Mueller

Minutes prepared by:

Attest:



Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk